

# Committee on Resources

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**Congressman Duncan Hunter**  
**House Resources Subcommittee on Parks and Public Lands**  
**H.R. 3954, The Rancho El Cajon Boundary Reconciliation Act**  
**June 15, 2004**

Mr. Chairman and Members of the Subcommittee, thank you for holding this hearing on H.R. 3954, the Rancho El Cajon Boundary Reconciliation Act. I would also like to thank my constituent, Mr. Fred Gruner, for making the long trip from San Diego County to be with us here today to testify on behalf of this bill. For a detailed history of the series of transactions, surveys, and maps related to this legislation, I will ask the Subcommittee to refer to the October 1, 2003 legal opinion produced by the Department of Interior Pacific Southwest Regional Solicitor at my request.

The impetus of this legislation is Mr. Gruner, who brought this matter to my attention following years of petitioning federal agencies and public officials to bring resolution to this matter. H.R. 3954 authorizes the Secretary of the Interior to provide compensation to victims of boundary discrepancies in San Diego County arising from an erroneous 1881 federal government survey that resulted in overlapping boundaries for certain lands. Resolution may be through cash payment or through conveyance of lands.

Though the Department of Interior recognizes the mistake, they have communicated to me that they are not authorized to provide the necessary compensation for those persons affected by the mistake. As a result, this legislation provides for compensation to those affected by the 1881 survey, including my constituent here today, who was deprived of approximately 23 acres he acquired as part of a larger 1962 purchase based on the survey. Though he purchased his property in good faith, Mr. Gruner eventually learned of an overlap of properties as a result of the aforementioned 1881 survey. The error created an 1100 foot overlap of land, essentially creating land on paper that did not exist. When a recent survey was completed by the Department of Interior in response to Mr. Gruner's concerns, the full scope of his problem was discovered: the overlap contained land that he had purchased in 1962, and that 23 acres no longer belonged to him.

Mr. Chairman, part of the mission of federal government agencies is to set standards and uphold them where the private sector is not able. This is one of those situations. The main mission of the General Land Office (the Interior agency that completed the 1881 survey) was the survey and sale of public lands. When a well-intentioned citizen that has served his country seeks to purchase a piece of land, he ought to be able to trust that the existing federal government survey of the land is reliable, and that the responsible federal agency stands by their work. The burden of proof should not be on the individual to prove the federal government wrong. To right this wrong, I encourage favorable consideration by Members of this Subcommittee.

Again, thank you for holding this hearing.